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Mayor

CITY OF NEWTON, MASSACHUSETTS

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CONSERVATION COMMISSION

MEETING MINUTES

November 18, 2010

Beginning at 7:30 p.m.

City Hall, Room 209

Meeting opened at 7:50 p.m.

MEMBERS PRESENT: S. Lunin, Vice-chair and Acting Chair, N. Richardson, D. Green, and J. Sender (Alternate)

MEMBERS ABSENT: I. Wallach, J. Hepburn, R. Matthews, D. Dickson

MEMBERS OF THE PUBLIC: See attached sign-in sheet

First order of business: V-chair, and acting Chair, Susan Lunin, appointed Jane Sender to fill voting position so the Commission has a quorum.

Planner handed out new (2011) Ethics packets to members present and received back (tear-off signature page) to be turned in to Clerk's office.

Planner asked S. Lunin to sign in notary book for signatures of CC members on Order issued to 61 Verndale using old form at last meeting.

City of Newton, Library Abbreviated NOI- Removal of vegetation and sediment from Coleman Brook to restore storm water storage;

Report: Someone at Library saw a rat and Library wants to clean out vegetation in Coleman Brook. Upon review of original OOC, we found that Order indicated the brook had been widened to hold storm water, and Order was clear that the CBs in the Library parking lot should be cleaned routinely and the channel and "basin" area kept clear. The proposal is to remove much of vegetation remove sediment on bottom of brook, in conjunction with cleaning of CBs. The CBs will be vacuumed out, then water –flushed into the stream before vegetation is removed. Then vegetation and sediment will be cleaned, starting at upstream end, so disturbed sediment will be caught by vegetation remaining. E&SC will be placed across lower end in front of culvert to prevent flushing sediment into City Hall Ponds. Side slopes will be re-stabilized with jute netting or similar treatment until they weather permits re-vegetation with grass. Some plantings have been flagged to try to save, since they may have been planted to beautify the area. Recommend approval with standard conditions.

Meeting: John Daghljan presented for the Engineering Department of DPW. He said the vegetation and sediment in Coleman Brook have compromised its ability to hold storm water as originally designed. He described phasing of project. Catch basins would be cleaned first via vacor truck, then manholes cleaned, then the rest flushed. Wattles in the stream will catch the sediment, as will vegetation. Vegetation will be cut first, then removed in the spring to make it easier to rapidly re-vegetate side-slopes for stabilization. Members asked about disposition of sediment, which has been tested and is suitable for adding to compost at the landfill. John said they plan to save some of the trees (flagged) and try to maintain some of the iris. Engineering calculated 32 cu ft of compensatory storage lost by saving some trees (about the volume of a refrigerator. S. Lunin asked how many times the parking lot and library have flooded. J. Daghljan said 2 or

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3 times in the past 30 yrs. S. Lunin asked if something we can do to make it better. J. Daghlion said the city hall ponds need to be cleaned out to help the flow. That is scheduled for next year. D. Green asked if more capacity is needed. J. Daghlion said no, but also need to clear connection to Bullough's Pond. **Motion by D. Green to approve with standard conditions and the Planner shall work with Engineering to determine what plants to use to reseed with to accomplish some of Norm's concerns to have a vegetated bottom without impeding flow. Planner shall also work with Engineering to create a maintenance plan that DPW can fulfill/implement. Second by N. Richardson. Vote: All in favor. Motion passed.**

City of Newton, Hazard Mitigation Plan –MAPC- for Commission review; complete document emailed for review.

Report: Please see p. 51 re access roads in conservation areas – this plan says road needed at Hammond Pond. Recommends fire roads in all conservation areas. I am not sure that is necessary or desirable, but it will end up as a goal in this plan if the CC does not object. Also recommends "channel and bridge upgrades at Albemarle Park." Does the CC concur? A couple of these bridges are "pinching" the flow and creating problems – however, it is likely the city will rebuild in same footprint so it does not need to meet higher standards. I also would recommend examination and repair/replacement of right circular dam and circular dam at Elliot St, owned by DCR (start of Quinobequin and near Hemlock Gorge) as a goal. And, I also recommend a bathymetric study and modeling of the Charles in the same area to determine if siltation is increasing lateral flooding.

Meeting: Lt. Hugh Downing, NPD, and Martin Pilsbury, District Manager, Metropolitan Area Planning Council (MAPC) described their work to develop a draft Hazard Mitigation Plan for Newton. Having a plan approved by the BOA and the mayor would make the city eligible for other grant money from FEMA. The plan helps to determine pre-disaster weaknesses to damage from natural disasters. The plan helps to identify what actions taken now can reduce risks and damages in the future. The grants would be competitive and would require an economic cost/benefit analysis. FEMA grants would be available for a 5-yr period, and then can extend or repeat through a plan update. Planner reviewed points made in planner's notes. Discussion of who would be responsible for bathymetric study. Planner said DCR does not have lots of funds, and maybe city could partner with DCR to get funds to pay for bathymetry and modeling to see if sediment build-up is increasing lateral flooding. Commission voiced its concern about goals in the plan that are inconsistent with our goals (such as the way NSTAR tree trimming occurs and the recommendation for fire roads in conservation areas. The Commission has until the end of the first week of December to offer comments. We can submit individually or through our Planner. Alderman Brian Yates expressed concern about the report including identification of Riverside for future development and wants to be sure that new development does not increase flooding and/or sewer back up to neighbors. He asked whether FEMA grant money is available to mitigate City Hall lagoon flooding. Lt. Downing explained that his plan is primarily a guide for city to use for future planning. The city needs the plan approved to get funds to fix flooding and siltation along Dedham Street near West Roxbury. Commission not convinced a road is needed at Hammond Pond (although listed as a goal in the plan) or in the rest of conservation properties. We would prefer less invasive measures. Wide paths/roads quickly become access points for invasive species to colonize and spread in conservation areas. Commission members agreed to send comments to Planner or directly to MAPC by the first week of December.

Houghton Garden Maintenance Plan-Jane Sender;

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Report: Copy of plan prepared by C. Havens (previously approved by me) and that submitted by Jane Sender are similar. Jane and Candace met and a **third version is in your packet**, submitted by C. Havens. My concerns and recommendations are

- 1) Trees and woody trimmings are not to be removed from Houghton Garden (except for non-natives), but can be put in small piles away from garden and paths; dead trees away from paths and garden MAY be left standing for woodpeckers and other wildlife;
- 3) Plan should be titled “Maintenance Plan” rather than Management Plan (which the CC is working on for all conservation areas); Release of Liability should also be renamed to reflect this;
- 4) \$ donated by Friends of Houghton Garden in fund labeled for educational purposes – Anne is checking with finance/treasury to make sure no problems with using for maintenance;
- 5) There should be no policy to remove poison ivy - it is not invasive and it is native and of high wildlife value. We can designate an area including trails and around the garden and seating to remove, but otherwise it should be left alone. Houghton Garden should generally follow the invasive plant policy for all the conservation areas;
- 6) I gave the garden club and the Friends a copy of the waiver of liability form for contractors prepared by the Law Department (att. B). I was told the contractors would sign it and it would be returned. That has not happened. The waiver of liability form signed and submitted in packet must be approved by the Law Department; I think volunteers would be precluded from using power tools in the garden;
- 7) Reference to the “water feature” of the garden may confuse readers as to whether this stream is jurisdictional under WPA; I have no question that it is jurisdictional and the language used may lead someone to think it is not;

*Also, on the page 1, para1, sentence 9, rehab of Houghton Garden was primarily with funding from CPA (not "The City of Newton);

Meeting: Candace Havens, Interim Director of Planning presented a revised “Management Plan”, in conjunction with Jane Sender, who has been working with members of the Friends of Houghton Garden and the Garden Club. Following discussion, the following actions and goals were discussed: 1) Change “Management Plan” to “Maintenance Plan”, 2) Planning needs to get information on existing funds to see if any constraints for use for maintenance of Houghton Garden, 3) Plaque replacement needs to be completed, 4) Poison ivy will be left in place except for areas along active trail use, or where the plant threatens to become invasive, 5) In maintenance goal 5/6 using term “stream feature,” statement will be replaced with language, “Maintain existing stream, that also includes a water feature” to indicate the stream (and pond area are regulated by the WPA. The liability release proposed for individual volunteers needs to be approved by the Law Department. Planner suggests volunteers should not use power tools. Following discussion, it was agreed a leaf blower could be used but no other power tools. If there is a question, it should come back to the Commission. **Motion by D. Green to approve “Maintenance Plan” with above changes/clarifications. Second. Vote: All in favor. Motion passed.**

34 Farwell St. NOI-Continued from September meeting;

Report: Have spoken with representative from DCR re mitigation behind 34 Farwell. He indicated that plantings for mitigation a good idea, with removal and restoration of topsoil, first. Engineering said it will not destabilize bank to do so. DCR would be happy to see steps removed, and may put up a fence, but minimally would like the property boundaries marked. No new material received from applicant either to support its claim this is redevelopment, or to respond to request for alternatives analysis.

Meeting: Planner thought Terry Morris would be present, but no one is present, either to discuss or to ask to

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continue to December meeting. The commission discussed whether to close the hearing or continue the hearing to the end of the meeting, and options for issuance of an Order of Conditions. Planner advised issuance of an Order of Conditions. The commission agreed to review draft conditions after taking up the next hearing (below).

Draft conditions to be finalized by Anne, then members will come in, read and sign Order at City Hall:

- 1) Move all of the paving as close to the front lot as zoning permits;
- 2) Provide a minimum 10 ft wide planting mitigation area at the rear lot line (first removing and replacing soil to a depth of 6 in with loam);
- 3) Provide a similar 10 ft wide planting mitigation area on DCR property (as in 2)
- 4) Mark the rear property boundaries;
- 5) Meet all stormwater regulations, and install leaching galleys for infiltration of storm water for all increase in impervious area greater than was present on lot in 1983;
- 6) Parking spaces shall be paved;
- 7) Reduce paving by 10% from plan presented at last meeting;
- 8) Remove concrete steps and re-stabilize slope highly desirable;

3 Fuller Av NOI- After-the-fact for driveway of pavers and grading in the 100 ft buffer to bank and buffer to bordering vegetated wetland;

Report: Owner got OOC for demo and re-build of house, with driveway to be ~reconstructed in previous footprint. At time of COC, driveway was gravel. Within months after COC issued, owner constructed paver driveway substantially larger (twice as large) than approved under prior OOC, and, with new delineation, work is closer to wetland. Pipe under driveway is not electrical conduit, although plan says it is electrical. Any sump pump should discharge to underground storage galleys in back. Recommend pipe be filled with cement from each end so that cannot be used to direct water to wetland as point source.

Uncovered soil piles on property may be used to complete grading for foundation, but should be immediately covered, or erect erosion and sediment control, else remove. Recommend approval with above conditions, and possibly mark property boundary with permanent visible marker(s) on corners to prevent future incursions (to extent possible) into wetlands.

Meeting: Sandra Russo (owner) and Joe Porter (P.L.S.) were present to describe the work. J. Porter discussed recommendations (above) and said he would place granite monuments at corners and that he has already cemented the ends of the pipe. **D. Green moved to issue OOC with special conditions as follows: 1) Remove or install erosion and sediment control for piles of dirt immediately, 2) Install two stone bounds on property corners (on side with paper street) to help owner avoid work in wetlands or off his property, 4) pipe under driveway to be permanently plugged. Second. Vote: All in favor. Motion passed.**

Certificates of Compliance

9 Harwich Road- As-built and letter from surveyor submitted.

Meeting: Motion by D. Green to issue partial COC. Second. Vote: all in favor. Motion passed.

90 Wayne Road-As-built and letter from surveyor submitted.

Meeting: Planner reported a COC was previously issued, but consultant sent in final report on mitigation plantings that all is as agreed- no action needed.

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Conservation Management Plan

Minutes from Oct. regular meeting for approval;

Motion by D. Green to approve minutes with typo(s) corrected. Second. Vote: All approved. Motion passed.

Handout from Judy re Hunnewell-FYI

Items below deferred to later meeting.

Management Plan Meeting Minutes & next meeting

Announcements & General Business:

Election of Officers:

Chair – Ira Wallach

v-Chair- Susan Lunin

Secretary-Judy Hepburn

rep to Farm Commission-Judy Hepburn

rep to Nahanton Woods, Inc. – Judy Hepburn

CPA – Dan Green

Newton Comm. Golf Foundation-Norm Richardson

Kennard Park Trust ?? – last was Ira Wallach

Environmental Science Program-last was Susan Lunin

Respectfully submitted,
Anne Phelps, Sr. Environmental Planner

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